

May 16, 2016

Subject: Guidance on Licensing in 2016-17
To: Superintendents, Special Education Directors, Principals, and Curriculum Directors
From: Amy Fowler, Deputy

Attached to this document you will find specific guidance documents to assist you in staffing decisions for 2016-17.

Current Education Quality Standards require that instruction be supervised by an appropriately licensed individual. Under NCLB, this included the notion of whether or not an educator met the definition of HQT. HQT as a stand-alone term no longer exists and under ESSA new requirements will exist. ESSA requirements will not go into effect until 2017-18.

Until the new rules are identified and enacted in 2017-18, superintendents are encouraged to staff schools under the *same practices* you previously employed relative to staffing, with one exception. Rather than the AOE determining HQT status for special educators or those instructing in Alternative Programs, Superintendents will locally determine that these teachers *meet the content requirements* set forth before assigning them to provide primary instruction in content areas (see attached files).

As you are aware, AOE is currently working to create our state plan for ESSA. This plan will include details related to how we will track licensing, which licenses will “count” for qualified instruction and what schools will be required to do when a teacher is not appropriately licensed. The AOE will be working directly with the VSBPE and State Board of Education in these discussions to clarify their intent regarding definitions as they apply to the phrase “learning must occur under the supervision of an appropriately licensed educator” as stated in EQS as we prepare our state response. You may wish to stay abreast of ESSA developments via our website: <http://education.vermont.gov/essa>.

In addition, a few folks have asked whether or not Provisional Licenses will continue to exist next year. There has been no discussion to date of *any* of the existing licenses changing next year or beyond. If this were to occur, it would be the result of discussion and action on the part of VSBPE and would need to go through the formal rule-making process that requires public input. Given that no member of VSBPE has raised this as an agenda item in 2016, it seems to be of little interest to that body. You may wish to stay abreast of their agendas which are posted on the Agency website <http://education.vermont.gov/licensing/professional-standards/vsbpe>.



We are including several attachments for your convenience to help you navigate this year. The version with Track Changes Visible is included to help you see where changes have been made; the Changes Accepted version is a clean copy to be used with staff.

Document	Track Changes Visible	Changes Accepted
Definitions of Special Education Instructional Arrangements and Their Implications for Licensing Requirements	educ_licensing_hqt_spед_definitions, TC 2016.pdf	educ_licensing_hqt_spед_definitions, 2016.pdf
Licensure & Content Knowledge Requirements for Alternative Program and Special Education Teacher Assignments	educ_licensing_hqt_content_knowledge _alternate, TC 2016.pdf	educ_licensing_hqt_content_knowledge _alternate, 2016.pdf

Finally, it may be helpful to review the following guidance sent by USED (page 20 of this file: <http://www.ncpublicschools.org/docs/program-monitoring/succeeds/essa-faq.pdf> on this matter:

D-1a. Must a State ensure that special education teachers are “highly qualified,” as defined in section 9101 of the ESEA, as amended by NCLB, in the 2016-2017 school year?

No. The ESSA amended the Individuals with Disabilities Education Act (IDEA) by removing the definition of “highly qualified” in section 602(10) and the requirement in section 612(a)(14)(C) that special education teachers be “highly qualified” by the deadline established in section 1119(a)(2) of the ESEA, as amended by NCLB. Accordingly, a State is not required to ensure that special education teachers are “highly qualified” as defined in the ESEA beginning with the 2016-2017 school year but must ensure that they meet the requirements described in D-1b.

D-1b. If the definition of “highly qualified” is no longer applicable to special education teachers, what are the federal requirements related to the professional qualifications of those teachers?

Section 9214(d)(2) of the ESSA amended section 612(a)(14)(C) of the IDEA by incorporating the requirement previously in section 602(10)(B) that a person employed as a special education teacher in elementary school, middle school, or secondary school must: 1) have obtained full certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination and hold a license to teach in the State as a special education teacher, except that a special education teacher teaching in a public charter school must meet the requirements set forth in the State’s public charter school law; 2) not have had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and 3) hold at least a bachelor’s degree. Each State must continue to comply with these certification requirements during the 2016-2017 school year. (Updated May 4, 2016)

